

HOUSE BILL No. 2355

By Committee on Appropriations

2-2

9 AN ACT concerning the department of health and environment; relating
10 to the food service and lodging act; licensure and inspection of lodging
11 establishments; authorizing and prescribing the disposition of certain
12 fees; amending K.S.A. 36-502 and K.S.A. 2006 Supp. 36-512 and re-
13 pealing the existing sections.

14
15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 36-502 is hereby amended to read as follows: 36-
17 502. (a) It shall be unlawful for any person to engage in the business of
18 conducting a lodging establishment unless such person shall have in effect
19 a valid license therefor issued by the secretary of health and environment.
20 Applications for such licenses shall be made on forms prescribed by the
21 secretary, and each such application shall be accompanied by the appro-
22 priate license fee required by subsection (c) of this section. Prior to the
23 issuance of any such license, the secretary shall inspect or cause to be
24 inspected the lodging establishment designated in the application, to de-
25 termine that it complies with the standards for lodging establishments
26 promulgated pursuant to this act. If such lodging establishment is found
27 to be in compliance, the secretary shall issue the license. If the application
28 for license is denied, the secretary shall give written notice thereof to the
29 applicant, stating also that the applicant is entitled to a hearing thereon
30 if a written request therefor is filed with the secretary within 20 days of
31 the date such notice is sent. Such hearing shall be held in accordance
32 with the provisions of the Kansas administrative procedure act.

33 (b) Each license shall designate whether the licensed lodging unit is
34 a hotel, rooming house or boarding house. Any person obtaining a license
35 to engage in the business of conducting a rooming house or boarding
36 house shall not have the right to use the name "hotel" in connection with
37 such business. Every license issued hereunder shall be displayed con-
38 spicuously in the lodging establishment for which it is issued, and no such
39 license shall be transferable to any other person or location. Whenever
40 any such license is lost, destroyed or mutilated, a duplicate license shall
41 be issued to any otherwise qualified licensee upon application therefor
42 and the payment of a fee in the amount of ~~\$\$~~ \$10.

43 (c) ~~The fee~~ Each application for a license to conduct a lodging estab-

1 lishment in this state for all or any part of any calendar year shall be \$30,
2 except that the fee for any lodging establishment containing 10 sleeping
3 rooms shall be \$35 and for every additional 10 rooms therein, an addi-
4 tional fee of \$5 shall be charged. All lodging establishments which are
5 new, newly constructed or have a change of ownership shall pay an ap-
6 plication fee which may be adjusted in accordance with the type of es-
7 tablishment or based on other criteria as determined by the secretary,
8 but in no event shall any application fee exceed \$100 in addition to the
9 license fee shall be made on a form prescribed by the secretary. Each
10 application shall be accompanied by an application fee and by a license
11 fee, each of which shall be established in an amount fixed by rules and
12 regulations adopted by the secretary of health and environment. Appli-
13 cation fees may be adjusted in accordance with the type of establishment
14 or based on other criteria as determined by the secretary. All lodging
15 establishments which are new, newly constructed or change ownership
16 shall pay an application fee of not to exceed \$200. The license fee shall
17 consist of an annual base fee plus an annual per guest room fee. The
18 annual base fee shall not exceed \$200 and the annual per guest room fee
19 shall not exceed \$10 per guest room with a maximum charge for no more
20 than 300 guest rooms. The license fee shall be fixed in an amount that is
21 sufficient to defray the cost of administering the lodging establishment
22 inspection and licensure activities of the secretary.

23 ~~(d) Any person who, on the effective date of this act, has a valid~~
24 ~~license to operate a hotel or rooming house shall be a licensee under the~~
25 ~~provisions of this act, and any such license is hereby deemed to be a~~
26 ~~license to operate a lodging establishment issued under the provisions of~~
27 ~~this act.~~

28 Sec. 2. K.S.A. 2006 Supp. 36-512 is hereby amended to read as fol-
29 lows: 36-512. (a) The secretary shall remit all moneys received by the
30 secretary under the provisions of ~~this~~ *the food service and lodging act* to
31 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
32 and amendments thereto. Except for moneys remitted under subsection
33 (b), (c) or (d), upon receipt of each such remittance the state treasurer
34 shall deposit the entire amount in the state treasury to the credit of the
35 state general fund.

36 (b) *The secretary shall remit all moneys received from food service*
37 *establishments as fees under the food service and lodging act, other than*
38 *from food service establishments located in a municipality where food*
39 *service inspection services are provided by a local agency under contract*
40 *with the secretary, to the state treasurer in accordance with the provisions*
41 *of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such*
42 *remittance, the state treasurer shall deposit the entire amount thereof in*
43 *the state treasury to the credit of the food inspection fee fund, which is*

1 hereby created in the state treasury. All expenditures from the food in-
2 spection fee fund shall be made in accordance with appropriation acts
3 upon warrants of the director of accounts and reports issued pursuant to
4 vouchers approved by the secretary or a person designated by the sec-
5 retary.

6 (c) The secretary shall remit all moneys received from lodging estab-
7 lishments as fees under the food service and lodging act to the state trea-
8 surer in accordance with the provisions of K.S.A. 75-4215, and amend-
9 ments thereto. Upon receipt of each such remittance, the state treasurer
10 shall deposit the entire amount thereof in the state treasury to the credit
11 of the lodging inspection fee fund, which is hereby created in the state
12 treasury. All expenditures from the lodging inspection fee fund shall be
13 made in accordance with appropriation acts upon warrants of the director
14 of accounts and reports issued pursuant to vouchers approved by the
15 secretary or a person designated by the secretary.

16 ~~(b)~~ (d) The secretary shall remit all moneys received by the secretary
17 from fees from food service establishments located in a municipality
18 where food service inspection services are provided by a local agency
19 under contract with the secretary to the state treasurer in accordance
20 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
21 receipt of each such remittance, the state treasurer shall deposit the entire
22 amount in the state treasury to the credit of the food service inspection
23 reimbursement fund which is hereby created. On ~~July 1, 1988, and on~~
24 ~~the first day of each month thereafter,~~ the director of accounts and reports
25 shall transfer from the food service inspection reimbursement fund to the
26 ~~state general food inspection fee~~ fund an amount equal to 20% of all
27 money credited to such fund during the preceding month. Expenditures
28 from the food service inspection reimbursement fund shall be made to
29 reimburse each local agency under contract with the secretary for food
30 service inspection services in an amount equal to 80% of the money re-
31 ceived from food service establishments in the municipality served by the
32 local agency. All expenditures from the food service inspection reim-
33 bursement fund shall be made in accordance with appropriation acts upon
34 warrants of the director of accounts and reports issued pursuant to vouch-
35 ers approved by the secretary or a person designated by the secretary.

36 Sec. 3. K.S.A. 36-502 and K.S.A. 2006 Supp. 36-512 are hereby
37 repealed.

38 Sec. 4. This act shall take effect and be in force from and after its
39 publication in the statute book.